

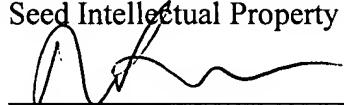
REMARKS

Claims 1-18 are pending. Claim 14 is being amended without adding new matter. In response to the Restriction Requirement dated August 25, 2004, applicants have elected **with traverse**, Group I, claims 1-13, for examination at this time.

The applicants respectfully traverse the restriction requirement because the Examiner incorrectly indicated that claims 14-18 are method claims. Claims 14-18 are product-by-process claims that should be examined with the device claims 1-13. In particular, claim 14 recites a “vertical structure high carrier mobility bipolar transistor” that is obtained by a recited process. As stated in MPEP § 806.05(f), “A product defined by the process by which it can be made is still a product claim.” Moreover, that MPEP section goes on to explain that such a product-by-process claim can be restricted from a process claim rather than from a product claim. Accordingly, the applicants request that the restriction requirement be withdrawn and that claims 14-18 be examined with claims 1-13.

Consideration of the elected claims is now requested.

Respectfully submitted,  
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